§ 80.1240 How is a refinery's or importer's compliance with the gasoline benzene requirements of this subpart determined?

(a) A refinery's or importer's compliance with the annual average benzene standard at § 80.1230(a) is determined as follows:

(1)(i) The compliance benzene value for a refinery or importer is:

$$CBV_y = V_y \times \left(\frac{B_{avg,y}}{100} \right) + D_{y-1} - BC - OC$$

Where:

CBV_y = Compliance benzene value (gallons benzene) for year y.

V_y = Gasoline volume produced or imported in year y (gallons).

$B_{avg,y}$ = Average benzene concentration in year y (volume percent benzene), calculated in accordance with § 80.1238.

D_{y-1} = Benzene deficit from the previous reporting period, per § 80.1230(c) (gallons benzene).

BC = Banked benzene credits used to show compliance (gallons benzene).

OC = Benzene credits obtained by the refinery or importer used to show compliance (gallons benzene).

(ii) Benzene credits used in the calculation specified in paragraph (a)(1)(i) of this section must be used in accordance with the requirements at § 80.1295.

(2)(i) If $CBV_y \leq V_y \times (0.62)/100$, then compliance with the benzene requirement at § 80.1230(a) is achieved for calendar year y.

(ii) If $CBV_y > V_y \times (0.62)/100$, then compliance with the benzene requirement at § 80.1230(a) is not achieved for calendar year y, and a deficit is created per § 80.1230(c). The deficit value to be included in the following year's compliance calculation per paragraph (a) of this section is calculated as follows:

$$D_y = CBV_y - V_y \times \left(\frac{0.62}{100} \right)$$

Where:

D_y = Benzene deficit created in compliance period y (gallons benzene).

(b) Compliance with the maximum average benzene standard at § 80.1230(b) is achieved by a refinery or importer if the value of B_{avg} calculated in accordance with § 80.1238(a) is no greater 1.30 volume percent for an applicable averaging period per § 80.1230(b)(3).

AVERAGING, BANKING AND TRADING (ABT) PROGRAM

§ 80.1270 Who may generate benzene credits under the ABT program?

(a) *Early benzene credits.* Early benzene credits are credits generated prior to 2011, or prior to 2015 if generated by a small refiner approved under § 80.1340.

(1)(i) Early credits may be generated under § 80.1275 by a refiner for any refinery it owns that has an approved benzene baseline under § 80.1285, including a refinery of a foreign refiner that is subject to the provisions of § 80.1363.

(ii) The refinery specified in paragraph (a)(1)(i) of this section must process crude oil and/or intermediate feedstocks through refinery processing units.

(iii) Early benzene credits shall be calculated separately for each refinery of a refiner.

(iv) A refinery that is approved for early compliance under § 80.1334 may not generate early credits for the gasoline subject to the early compliance provisions.

(2)(i) A refinery that was shut down during the entire 2004–2005 benzene baseline period is not eligible to generate early credits under § 80.1275.

(ii) A refinery not in full production, excluding normal refinery downtime, or not showing consistent or regular gasoline production activity during 2004–2005 may be eligible to generate early benzene credits under § 80.1275 upon petition to and approval by EPA, pursuant to § 80.1285(d).

(3) Importers may not generate early credits.

(b) *Standard benzene credits.* Standard benzene credits are credits generated after 2010, or after 2014 if generated by a small refiner approved under § 80.1340.

(1) Unless otherwise provided for elsewhere in this subpart, standard credits may be generated under § 80.1290 as follows:

(i) A refiner may generate standard credits separately for each of its refineries.

(ii) An importer may generate standard credits for all of its imported gasoline.